

IN RE: PETITIONS FOR SPECIAL EXCEPTION * BEFORE THE
AND ZONING VARIANCE - NW/Corner * DEPUTY ZONING COMMISSIONER
North Point Boulevard and
Saint Monica Drive
(4015 North Point Boulevard) * OF BALTIMORE COUNTY
15th Election District
7th Councilmanic District * Case No. 93-230-XA
Carl T. and Edward V. Julio
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Exception and a Petition for Zoning Variance filed by the owners of the subject property, Carl T. and Edward V. Julio, and the Contract Lessee, Cloverland Farms Dairy, Inc., by and through their attorney Nathan Patz, Esquire. The Petitioners request a special exception for an automotive service station use of the subject property, with said use in combination with a food store with less than 5,000 sq.ft. in retail sales area, pursuant to Sections 405.2.B.5 and 405.4.D.8 of the Baltimore County Zoning Regulations (B.C.Z.R.). The Petitioners also request variance relief from the B.C.Z.R. as follows: From Section 405.2.B.5 to permit an access to Saint Monica Drive, a collector street; from Section 405.4.A.1 to permit a total site area of 18,949 sq.ft. in lieu of the required minimum of 26,724 sq.ft.; from Section 413.2.F to permit a business identification sign with a total area of 174 sq.ft. in lieu of the maximum permitted 100 sq.ft.; and from Section 409.6.A.2 to permit 12 parking spaces in lieu of the required 15 spaces, all as more particularly described on Petitioner's Exhibit 1.

Appearing at the public hearing held on this matter were Anthony Julio on behalf of the owners of the subject property, and John M. Kemp a representative with Cloverland Farms Dairy, Inc. The Petitioners were

represented by Alan A. Abramowitz, Esquire. Also appearing on behalf of the Petitioners was Charles K. Stark, Registered Land Surveyor with George W. Stephens, Jr. and Associates, Inc. There were no Protestants at the hearing.

Testimony indicated that the subject property, known as 4015 North Point Boulevard, consists of 0.435 acres, more or less, zoned B.L.-C.S.-1, and is the site of a vacant service station. The Petitioners are desirous of refurbishing the subject property with a Royal Farm Store and two fuel islands in accordance with Petitioner's Exhibit 1. In order to develop the property as proposed, a special exception and variances are necessary for the proposed convenience food store use in combination with gasoline sales.

Several comments were submitted by various agencies of the State of Maryland and Baltimore County. Mr. Stark testified that the plan as submitted satisfies all the requirements suggested by the State Highway Administration (SHA) as set forth in the comments submitted by John Contestabile, Chief of Engineering Access Permits Division, dated January 27, 1993. In addition, the Office of Planning and Zoning supports the proposed improvements to the subject site. However, the Office of Planning and Zoning requested that the Petitioners submit elevation drawings for their review. I find this unnecessary. The Petitioner proposes to construct a Royal Farm Store consistent with the many Royal Farm Stores that currently exist throughout Baltimore County. The design and architecture of the proposed store will be consistent with those that currently exist. The subject property is not located within any revitalization area nor does it exist in any special district. There have been other cases where Cloverland Farms Dairy, Inc. has designed stores in accordance with the

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architecture that exists in the surrounding community. Two such stores that come to mind are the Royal Farms Store that was constructed in the Dundalk Revitalization District, and the Royal Farms Store constructed in the Jacksonville area. However, I do not believe it is necessary for any architectural modifications be done to this particular store, due to its location along North Point Boulevard.

The Petitioner also submitted as Petitioner's Exhibit 2, a landscape plan of the subject property. The Petitioner brought to the attention of this Deputy Zoning Commissioner the location of two trees situated on a traffic island along North Point Boulevard. They testified that the location of these trees would substantially interfere with the visibility of the proposed sign for this project. I agree with the Petitioners in this respect. The location of the subject two trees would hamper the visibility of the proposed sign for traffic travelling southbound on North Point Boulevard and as such, I will not require the two trees to remain on the traffic island. However, the two trees in question shall be relocated elsewhere on the site and new landscaping provided for the traffic island which will not grow to a height that will interfere with the visibility of the Petitioners' sign.

It is clear that the B.C.Z.R. permits the use proposed in a B.L.-C.S.-1 zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner

has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pruitts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

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Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the special exception and variances should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 15th day of February, 1993 that the Petition for Special Exception requesting approval an automotive service station use of the subject property, with said use in combination with a food store with less than 5,000 sq.ft. in retail sales area, pursuant to Sections 405.2.B.5 and 405.4.D.8 of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Zoning Variance requesting relief from the B.C.Z.R. as follows: From Section 405.2.B.5 to permit an access to Saint Monica Drive, a collector street; from Section 405.4.A.1 to permit a total site area of 18,949 sq.ft. in lieu of the required minimum of 26,724 sq.ft.; from Section 413.2.F to permit a business identification sign with a total area of 174 sq.ft. in lieu of the maximum permitted 100 sq.ft.; and from Section 409.6.A.2 to permit 12 parking spaces in lieu of the required 15 spaces, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

TMK:bjs

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

February 25, 1993

(410) 887-4386

Alan A. Abramowitz, Esquire
10 Light Street, Suite 2110
Baltimore, Maryland 21202
RE: PETITION FOR SPECIAL EXCEPTION AND ZONING VARIANCE
NW/Corner North Point Boulevard and Saint Monica Drive
(4015 North Point Boulevard)
15th Election District - 7th Councilmanic District
Carl T. and Edward V. Julio - Petitioners
Case No. 93-230-XA

Dear Mr. Abramowitz:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Exception and Zoning Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

cc: People's Counsel

File



Petition for Special Exception to the Zoning Commissioner of Baltimore County

for the property located at 4015 North Point Boulevard
which is presently zoned BL-CS-1

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for:
Under Section 405.2.B.5 to permit an automotive service station.
Under Section 405.4.D.8 to permit a use in combination with a food store with less than 5,000 square feet in retail sales area.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Exception advertising, posting, etc. upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Current Petitioner/Owner:

Cloverland Farms Dairy, Inc.

John M. Kemp VP
2100 North Monroe Street
Baltimore Maryland 21217

Address for Petitioner:

Nathan Patz or Abramowitz

Nathan Patz
10 Light Street 685-6666
Suite 2110
Baltimore Maryland 21202

Legal Owner(s):

Carl T. Julio
Carl T. Julio
Edward V. Julio
Edward V. Julio

10 Parks Avenue 628-7000

Cockeysville Maryland 21030

Charles K. Stark

George William Stephens, Jr. & Associates, Inc. 825-8120

4015 North Point Boulevard

Baltimore MD 21204

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING: 1 HOUR

REVIEWED BY: DATE: 1/12/93



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 4015 North Point Boulevard

which is presently zoned BL-CS-1

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 405.285 to permit an access to Saint Monica Drive (collector street). To Section 405.4A.1 to permit a total site area of 18,949 S.F. in lieu of the required 26,724 S.F. To Section 413.2F to permit a sign with a total area of 174 S.F. in lieu of the required 100 feet. To Section 409.6A2 to permit 12 parking spaces in lieu of the required 15 spaces. (SEE ATTACHED of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) To permit neighborhood traffic access to site from Saint Monica Drive. Characteristics of site necessitate variance for parking. Dual use of site necessitates larger signage for advertising products.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Owner
Cloverland Farms Dairy, Inc.
Type of Firm Name
John M. Kemp V.P.
Address
2200 North Monroe Street
Baltimore Maryland 21217
City State Zipcode
Attorney for Petitioner
Nathan Patz or Abramowitz
Type of Firm Name
Signature
10 Light Street Suite 2110 685-6666
Baltimore Maryland 21202
City State Zipcode
Name, Address and phone number of legal owner, contract purchaser or representative to be contacted
Charles K. Stark
Name George W. Stephens, Jr. & Associates, Inc.
658 Kenilworth Drive 825-8120
Towson, Maryland 21204
City State Zipcode
OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING 2 HRS
The following date is available for hearing: ☒ ALL ☐ OTHER
REVIEWED BY: *[Signature]* DATE: 1/13/93

ORDER RECEIVED FOR FILING
Date 1/13/93
By *[Signature]*

246

To Section 405.4A.2.a to permit a side yard setback of 15 feet from the street right-of-way and 55 feet from the center line in lieu of the required 35 feet and 60 feet respectively.

To Section 405.4A.3.a to permit a curb tangent length between an access driveway and any corner of 8 feet and a distance of 4 feet between an access driveway and a property line in lieu of the required 20 feet and 10 feet respectively.

93-230-XA

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FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR., & ASSOCIATES, INC.
ENGINEERS
4548 KENILWORTH DRIVE, SUITE 100, TOWSON, MD, MARYLAND 21204

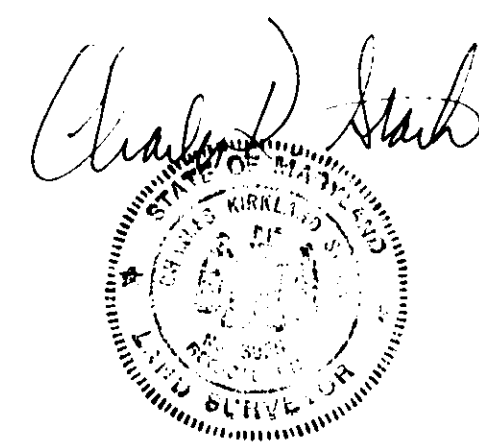
Description to Accompany Petition for
Special Exception and Variance.

January 4, 1993

Beginning for the same at a point on the west right-of-way line of North Point Boulevard (150 feet wide) distant 65 feet North 29° 15' 40" West from the center of Saint Monica Drive (80 feet wide) thence

1 - Southwesterly by a line curving to the west with a radius of 25.00 feet for an arc distance of 39.27 feet (the chord of said arc being South 15° 44' 20" West 35.36 feet) to the north right-of-way line of Saint Monica Drive thence binding on the north right-of-way line of Saint Monica Drive
2 - South 60° 44' 20" West 125.00 feet thence
3 - North 29° 15' 40" West 80.00 feet thence
4 - North 58° 29' 07" West 11.00 feet thence
5 - North 31° 12' 00" East 55.17 feet thence
6 - North 60° 44' 20" East 22.31 feet thence
7 - North 31° 12' 00" East 97.76 feet to the said west right-of-way of North Point Boulevard thence binding on said right-of-way
8 - South 29° 15' 40" East 140.00 feet to the place of beginning.
Containing 0.435 acres of land more or less.

THIS DESCRIPTION IS FOR ZONING PURPOSES ONLY.



93-230-XA

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 15A
Posted for: *[Signature]* Date of Posting: 1/13/93
Petitioner: *[Signature]*
Location of property: *[Signature]*
Location of Sign: *[Signature]*
Remarks:
Posted by: *[Signature]* Date of return: 1/19/93
Number of Signs: 2

CERTIFICATE OF PUBLICATION

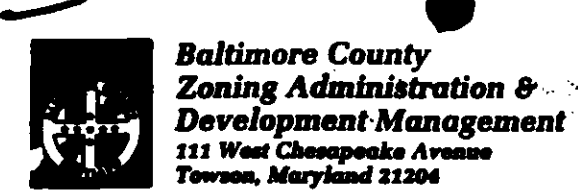
TOWSON, MD. 1128, 1993

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 1128, 1993.

THE JEFFERSONIAN,

S. Zebe Olson
Publisher

NOTICE: THE JEFFERSONIAN is a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 1128, 1993.



Baltimore County
Zoning Administration &
Development Management
211 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Account: R-001-6150
Number

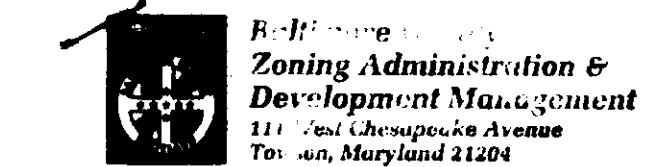
Date 1/15/93 H9300246
PUBLIC HEARING FEES QTY PRICE
020 -ZONING VARIANCE (OTHER) 1 X \$250.00
050 -SPECIAL EXCEPTION 1 X \$300.00
TOTAL: \$550.00
LAST NAME OF OWNER: JULIO

Please Make Checks Payable To: Baltimore County

Cashier Validation

PAID

93-230-XA



Baltimore County
Zoning Administration &
Development Management
211 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Account: R-001-6150
Number

Date 1/15/93 H9300246
PUBLIC HEARING FEES QTY PRICE
020 -ZONING VARIANCE (OTHER) 1 X \$250.00
050 -SPECIAL EXCEPTION 1 X \$300.00
TOTAL: \$550.00
LAST NAME OF OWNER: JULIO

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

DATE: 2-2-93

Cloverland Farms Dairy, Inc.
2200 N. Monroe Street
Baltimore, Maryland 21217

RE: CASE NUMBER: 93-230-XA (Item 246)
NAC North Point Boulevard and Saint Monica Drive
4015 North Point Boulevard
15th Election District - 7th Councilmember
Legal Owner(s): Carl T. Julio and Edward V. Julio
Contract Purchaser(s): Cloverland Farms Dairy, Inc.
HEARING: WEDNESDAY, FEBRUARY 17, 1993 at 10:00 a.m. in Rm. 118, Old Courthouse.

Dear Petitioner(s):

Please be advised that \$ 101.75 is due for advertising and posting of the above captioned property and hearing date.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 109, Towson, Maryland 21204. Place the case number on the check and make same payable to Baltimore County, Maryland. In order to avoid delay of the issuance of proper credit and/or your Order, immediate attention to this matter is suggested.

[Signature]

ARNOLD JARLON
DIRECTOR

cc: Nathan Patz, Esq.

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 93-230-XA (Item 246)
NAC North Point Boulevard and Saint Monica Drive
4015 North Point Boulevard
15th Election District - 7th Councilmember
Legal Owner(s): Carl T. Julio and Edward V. Julio
Contract Purchaser(s): Cloverland Farms Dairy, Inc.
HEARING: WEDNESDAY, FEBRUARY 17, 1993 at 10:00 a.m. in Rm. 118, Old Courthouse.

Special Exception to permit an automotive service station; to permit a use in combination with a food store with less than 5,000 square feet in retail sales area. Variance to permit an access to Saint Monica Drive (collector street); to permit a total site area of 18,949 square feet in lieu of the required 26,724 square feet; to permit a sign with a total area of 174 square feet in lieu of the required 100 feet; to permit 12 parking spaces in lieu of the required 15 spaces; to permit a side yard setback of 15 feet from the street right-of-way and 55 feet from the centerline in lieu of the required 35 feet and 60 feet respectively; to permit a curb tangent length between an access driveway and any corner of 8 feet and a distance of 4 feet between an access driveway and a property line in lieu of the required 20 feet and 10 feet respectively.

[Signature]

ARNOLD JARLON
DIRECTOR

cc: Carl and Edward Julio
Cloverland Farms Dairy, Inc.
Nathan Patz

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

Nathan Patz, Esquire
10 Light Street STE 2110
Baltimore, MD 21202

RE: Case No. 93-230-XA, Item No. 246
Petitioner: Carl T. Julio, et al
Petition for Special Exception and
Variance

Dear Mr. Patz:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on January 15, 1993 and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

DPW/Developers Engineering Division (Public Services)
Development Review Committee Response Form
Authorized signature: *James A. Ramsey* Date: *2/1/93*

Project Name	Waiver Number	Zoning Issue	Meeting Date
Francis M. and Phyllis K. Coppersmith	236		1-25-93 NC
John W. Armacost, Jr., Trustee	237		NC
Michael I. and Gail G. Brooks	238		NC
Steven E. Meconi	242		NC
Richard P. and Lenore E. Koors	243		NC
Charles H. and Beatrice G. Payne	244		NC
Carl T. and Edward V. Julio	246		NC
COUNT 9	251		NC
Stonegate at Patapsco (A2real Property)			
90476			
ZON DED	TE (Waiting for developer to submit plans first)	6-1-92	
COUNT 1			
FINAL TOTALS			
COUNT 20			
*** END OF REPORT ***			

SHA Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

January 27, 1993

Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
MD 151
North Point Blvd.
Royal Farm Store
Item No. 246 (JLL)

Dear Mr. Winiarski:

This office has reviewed the plan for the referenced item and offer the following.

In a previous review of the plan for the proposed development, we indicated in a letter to the developer's engineer dated 11-2-92 (attached), our concerns and requirements regarding this site.

Initially, we indicated that the entrance closest to Saint Monica Drive be eliminated. Patrons of the store would exit and gain access to the site via the entrance onto Saint Monica Drive. We also would require that sections of substandard pavement and curb and gutter be reconstructed along the MD 151 frontage and the fuel pumps be shifted to the south, eliminating the potential for vehicles backing up onto MD 151.

Upon further review of the site with the developer and engineer for the project, it was determined that we would allow the two (2) access points onto MD 151. However, we would still require the reconstruction of the curb and gutter and pavement sections as well as the shifting of the fuel pumps to allow more room for vehicle stacking on the site.

In our review of the revised plan we have noted that our requirements have been addressed and we have no objection to approval of the Special Exemption and Variance request.

All work within SHA right-of-way will require our access permit be issued from this office.

My telephone number is 410-333-1350 (Fax# 333-1041)

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-462-5082 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

Ms. Julie Winiarski
Page -2-
January 27, 1993

Upon receiving the following items, this office will be in a position to issue the necessary permit needed to complete this project:

- Eight (8) copies of the site plan showing the SHA requirements.
- Completed application.
- Performance bond, letter of credit, or certified check (Include Federal ID number or social security number on certified checks only) in the amount of 150% of the actual entrance construction cost and in an even thousand dollar increment. These must be made payable to the State of Maryland. (Please note that it takes 6-8 weeks for a certified check to be returned after project completion and SHA final inspection)
- An engineering fee check in the amount of \$50.00 for each point of access, made payable to the State of Maryland.
- A letter of authorization from the appropriate agency relative to the relocation of any utilities which may be necessitated by this construction. Or, a letter from the developer acknowledging and agreeing to the financial responsibility for relocating any affected utilities.

The surety for the access permit must be received by this office prior to SHA approving any building permits for the site.

If you have any questions, please contact Bob Small at 410-333-1350.

Thank you for the opportunity to review this plan.

Very truly yours,

John Contestabile
John Contestabile, Chief
Engineering Access Permits
Division

BS:maw

cc: Mr. Charles Stark
Cloverland Farms Dairy, Inc.



O. James Lighthizer
Secretary
Hal Kassoff
Administrator

November 2, 1992

Mr. Charles Stark
C/O George W. Stephens, Jr.
and Associates, Incorporated
658 Kenilworth Drive
Suite 100
Towson, Maryland 21204

Re: Baltimore County
MD 151
Royal Farm Store

Dear Mr. Stark:

Thank you for your transmittal dated October 20th, which we received on October 21st, requesting our comments regarding access to the referenced site.

Although we realize the existing entrances to MD 151 were constructed in accordance with a permit issued by this office, we would require the entrance closest to the Saint Monica Drive intersection be eliminated.

This requirement is based upon the following:

- Traffic volumes along MD 151 have increased significantly since the original entrances were constructed, and we feel there exists the potential for traffic conflicts for those vehicles exiting the site right at the intersection.
- Patrons of the store may exit the site, and gain access to MD 151, via the entrance onto Saint Monica Drive.

Along with the elimination of the entrance, we will require the sections of pavement along the MD 151 frontage in substandard condition be reconstructed. Also, the curb along the radius of the Saint Monica Drive intersection will have to be reconstructed.

Lastly, the fuel pumps on site should be shifted to the south, to provide as much vehicle stacking as possible and thereby eliminating the potential for vehicles to back-up onto MD 151.

All work within the State Highway Administration right-of-way will require an access permit be issued from this office.

My telephone number is 410-333-1350 (Fax# 333-1041)

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-462-5082 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

Mr. Charles Stark
Page 2
November 2, 1992

Please contact David Ramsey at 410-333-1350 if you have any questions.

Very truly yours,

John Contestabile
John Contestabile, Chief
Engineering Access Permits
Division

DR/les

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

DATE: January 29, 1993

SUBJECT: 4015 North Point Boulevard

INFORMATION:
Item Number: 246

Petitioner: Cloverland Farms Dairy, Inc.

Property Size: .435 acres

Zoning: B.L.-C.S.-1

Requested Action: Special Exception, Variance

Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

Based upon a review of the information provided and a site visit, the proposed use appears to be appropriate for this site. The subject property was formerly improved with a service station. The building which housed this use is to be removed. The Petitioner proposes to redevelop the property with a Royal Farm Store in combination with two fuel islands.

CHARACTER OF THE AREA:

Past development along North Point Boulevard has not always occurred in a manner which enhanced the image of this corridor. However, recent development of properties in the vicinity has resulted in a positive benefit to the business and residential community and redevelopment of this site provides another excellent opportunity to continue this trend.

The Petitioner has recently constructed a Royal Farm Store at 10 Dundalk Avenue. Clearly, the design of this property, the provision of an enhanced landscape treatment, and a superior sign package, should serve as a model for development of the subject site.

RECOMMENDATION:

Based upon an analysis of the Petitioner's request, staff recommends the Petition be granted subject to the following conditions:

- Architectural elevation drawings showing building materials and a landscape plan should be submitted for approval to the Deputy Director of the Planning Office prior to the issuance of any building permits.

- The proposed free-standing sign should be scaled back to the permitted 100 sq. ft., or preferably, the same type ground level sign utilized at the Dundalk Avenue site should be used.
- Access to the proposed dumpster should be shown and screening of the dumpster needs to be reflected on the landscape plan to mitigate negative noise and visual impact on adjacent residential property.

Prepared by: *Jeffrey M. Long*

Division Chief: *Carol Veno*

PK/JL:lw

DPW/Traffic Engineering
Development Review Committee
Authorized signature _____ Date **2/1/93**

Project Name **Relax Family**

File Number	Waiver Number	Zoning Issue	Meeting Date
Francis M. and Phyllis K. Coppersmith	236	N/C	1-25-93
John W. Armacost, Jr., Trustee	237	N/C	
Michael I. and Gail G. Brooks	238	N/C	
Steven E. Meconi	242	N/C	
Richard P. and Lenore E. Koors	243	N/C	
Charles H. and Beatrice G. Payne	245	N/C	
Carl T. and Edward V. Julio	246	N/C	
	251	W/C	

COUNT 9

Stonegate at Patapsco (Azeal Property)

90476

ZON DED TE (Waiting for developer to submit plans first)

6-1-92

COUNT 1

FINAL TOTALS

COUNT 20

*** END OF REPORT ***

Baltimore County Government
Fire Department

700 East Joppa Road, Suite 901
Towson, MD 21286-5500

JANUARY 25, 1993 (410) 887-6500

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: CARL T. JULIO AND EDWARD V. JULIO

Location: #4015 NORTH POINT BOULEVARD

Item No.: +246 (JLL) Zoning Agenda: JANUARY 25, 1993

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

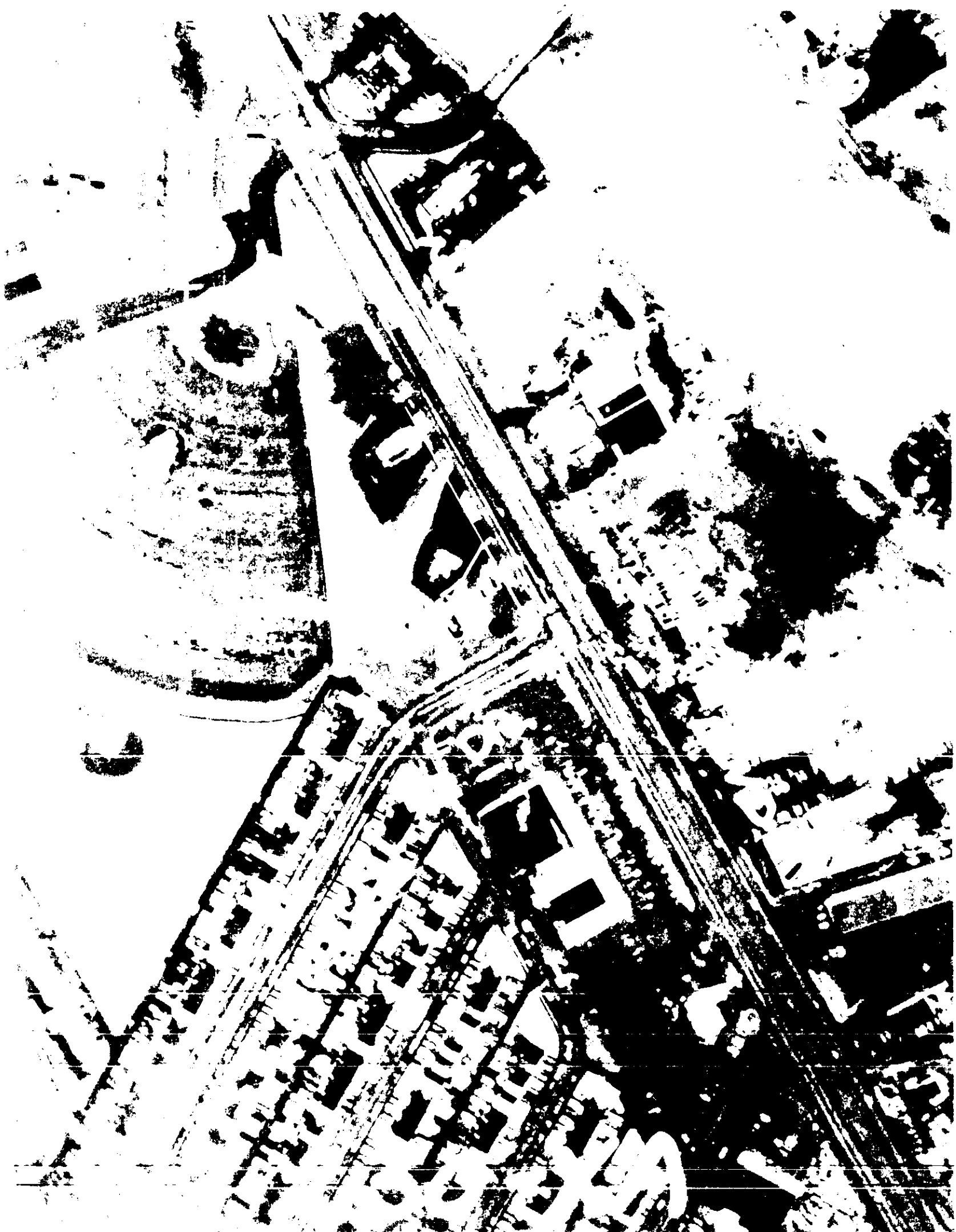
REVIEWER: Carl T. Julio
Planning Group U
Special Inspection Division

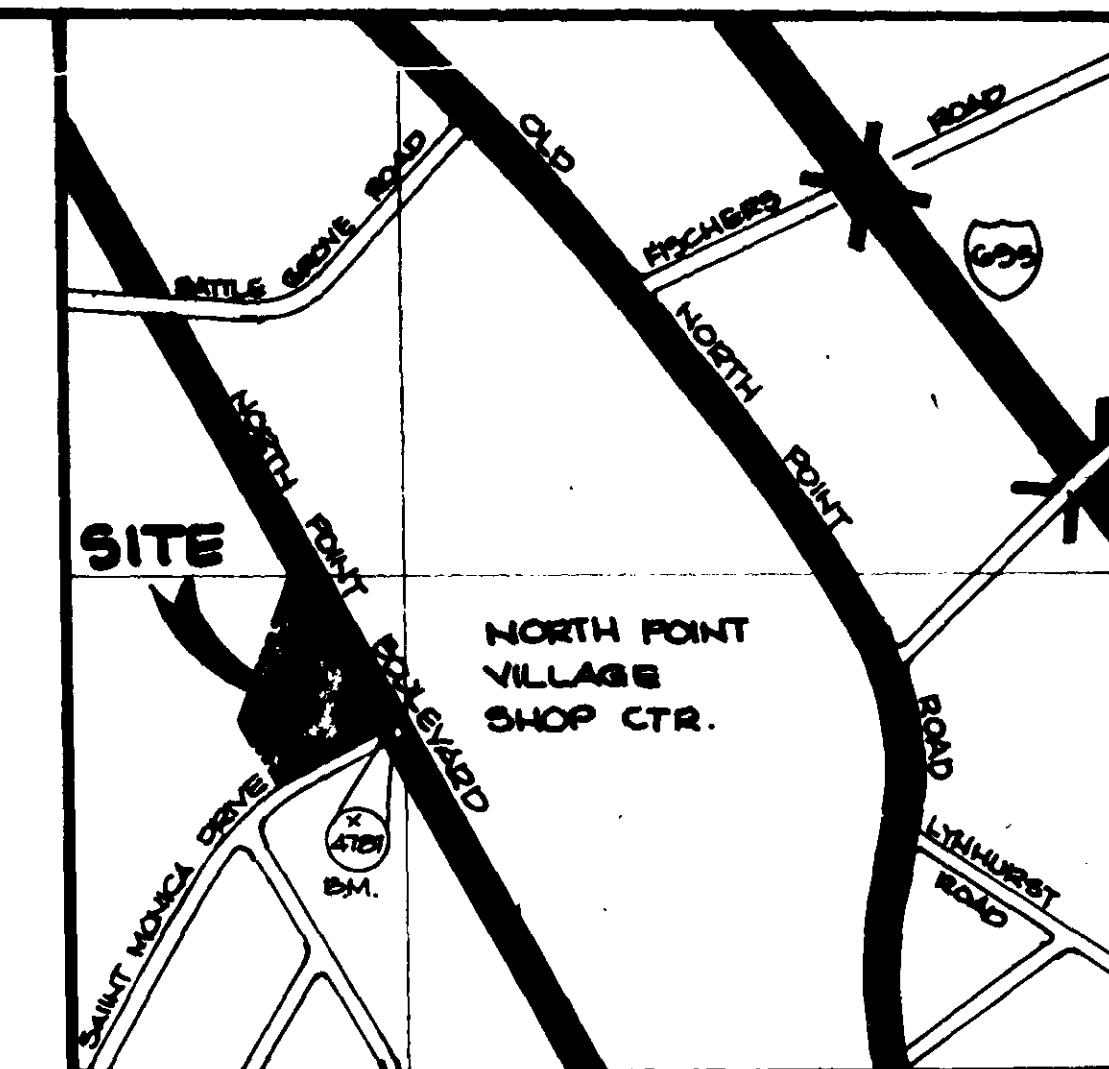
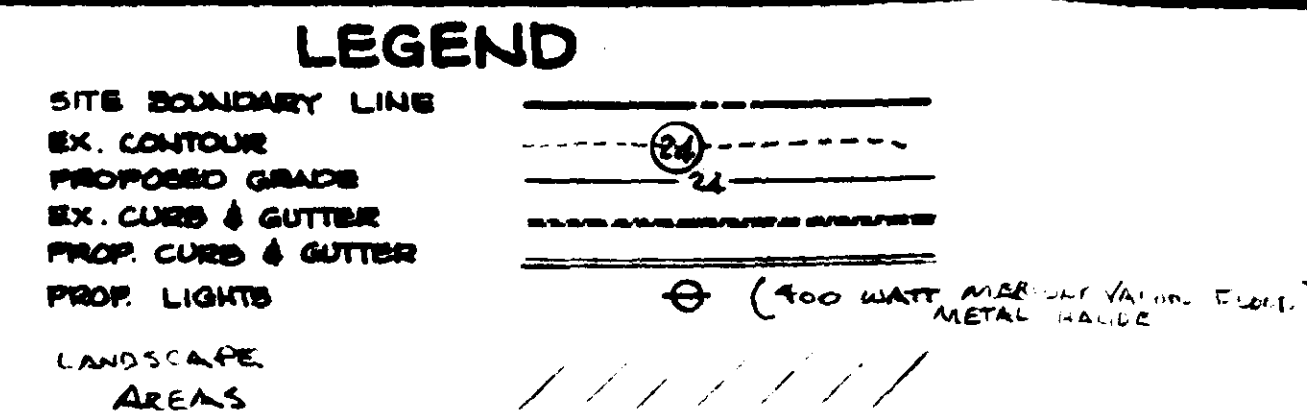
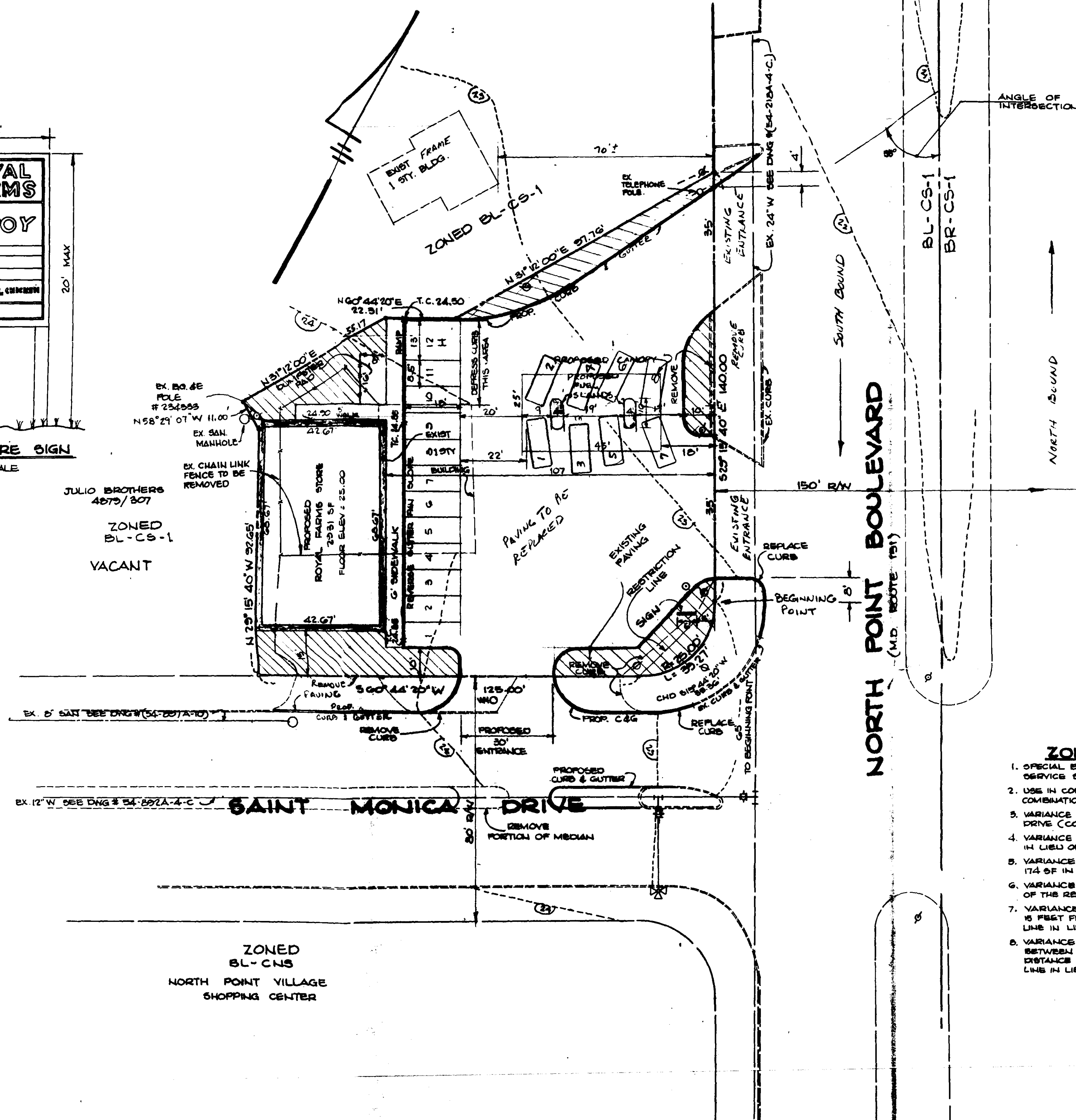
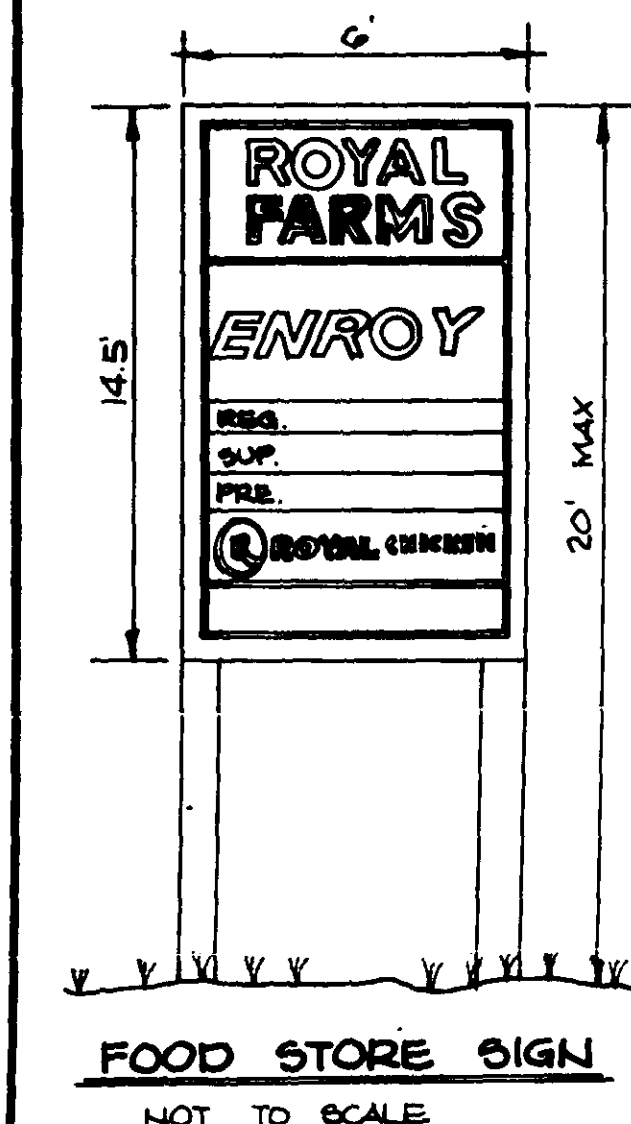
JP/KEK

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
CHARLES E. STARK	10 L. ST. N. #200 - Bldg 21403
John M. Kemp	G.W. STEWART - 415 KENYON DR TOWSON, 21204
Anthony Julio	Charles H. and Beatrice G. Payne 9640 Drexel Rd Timonium Md 21093





VICINITY MAP
SCALE: 1" = 200'

BENCH MARK # X4757, ELEVATION 22.431
DESCRIPTION: GALVANIZED SPIKE IN MAC WEST SIDE NORTH POINT BLVD & ST MONICA DRIVE

- GENERAL NOTES**
- PUBLIC SEWER AND WATER ARE EXISTING. CONTRACTOR TO VERIFY LOCATION & DEPTH.
 - CONTRACTOR TO VERIFY EXISTENCE OF ANY GAS LINES ON SITE CALL M&S UTILITY (800) 257-7777.
 - LANDSCAPE PLAN TO BE PROVIDED BY LANDSCAPE ARCHITECT.
 - LIGHTING TO BE ERECTED SO AS NOT TO:
A. REFLECT INTO RESIDENTIAL AREA.
B. INTERFERE WITH TRAFFIC.
C. EXCEED 15 FEET IN HEIGHT.
 - ANY NEW PAVING TO BE A MINIMUM OF 5" BITUMINOUS CONCRETE SURFACE COURSE ON 7" CRUSHER RUN BASE.
 - CONTRACTOR TO PROVIDE SPRAY-ON TOPPING ON ALL PROPOSED EXTERIOR WALKWAYS.
 - ON SITE CURB & GUTTER TO BE STANDARD BALTO. CO. 7" C&G.
 - TOPO TAKEN FROM BALTO. CO. POSITION SHEET 11 SE 25.
 - DUMPTON TO BE SCREENED WITH WITH 6' HIGH BOARD ON BOARD FENCE WITH METAL GATE WITH SLATS.
 - STANDARD STATE TYPE A CURB ON NORTH POINT BOULEVARD.
 - EXISTING SERVICE STATION WAS A NON-CONFORMING USE AND HAS BEEN ABANDONED.
 - SEE 200 SCALE ZONING MAP 5E 3G.
 - NO SCHOOL OR CHURCH WITHIN 500 FEET.
 - NOT IN A CRITICAL AREA.

- ZONING HEARING REQUESTS**
- SPECIAL EXCEPTION UNDER SECTION 405.2B.5 TO PERMIT AN AUTOMOTIVE SERVICE STATION.
 - USE IN COMBINATION UNDER SECTION 405.4 D.D. TO PERMIT A USE IN COMBINATION WITH A FOOD STORE WITH LESS THAN 5000 SF IN RETAIL SALES AREA.
 - VARIANCE TO SECTION 405.2B.5 TO PERMIT AN ACCESS TO SAINT MONICA DRIVE (COLLECTOR STREET).
 - VARIANCE TO SECTION 405.4A.1 TO PERMIT A TOTAL SITE AREA OF 15545 SF IN LIEU OF THE REQUIRED 23724 SF.
 - VARIANCE TO SECTION 415.2F TO PERMIT A SIGN WITH A TOTAL AREA OF 174 SF IN LIEU OF THE REQUIRED 100 SF.
 - VARIANCE TO SECTION 405.6A.2 TO PERMIT 12 PARKING SPACES IN LIEU OF THE REQUIRED 15 SPACES.
 - VARIANCE TO SECTION 405.4A.2 TO PERMIT A SIDE YARD SETBACK OF 15 FEET FROM THE STREET FRONT OF WAY AND 55 FEET FROM THE CENTER LINE IN LIEU OF THE REQUIRED 55 FEET AND 60 FEET RESPECTIVELY.
 - VARIANCE TO SECTION 405.4A.3 TO PERMIT A CURB TANGENT LENGTH BETWEEN AN ACCESS DRIVEWAY AND ANY CURB OF 5 FEET AND A DISTANCE OF 4 FEET BETWEEN AN ACCESS DRIVEWAY AND A PROPERTY LINE IN LIEU OF THE REQUIRED 20 FEET AND 10 FEET RESPECTIVELY.

93-230-XA

SITE DATA

ZONE - BL-CS-1
AREA - 0.435 ACRES ±
EXISTING USE - VACANT SERVICE STATION (TO BE REMOVED)
PROPOSED USE - ROYAL FARM STORE AND TWO FUEL ISLANDS
TWO DISPENSERS CAPABLE OF SERVING FOUR (4) CARS AT ONE TIME, WITH 4 STACKING SPACES

TOTAL AREA REQUIRED - 4 X 1500 = 6000 SF
(CURB 15,000 SF MIN.)

COMBINATION USES - FOOD STORE SALES
ROYAL FARM STORE

ADDITIONAL SQUARE FOOTAGE FACTOR - 4 X 2531 = 11724 SF
TOTAL AREA REQUIRED - 15000 + 11724 = 26724 SF

TOTAL AREA TRACT - 0.435 AC = 18945 SF

PARKING REQUIRED - 1 SPACE FOR EVERY 200 SF OF FLOOR SPACE
2531 ÷ 200 = 13 SPACES

PARKING PROVIDED - 12 SPACES INCLUDING 1 HANDICAP
TYPICAL SPACE - 8.5 X 15
HANDICAP - 13 X 15

Per Ex #1 246

GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC.
CIVIL ENGINEERS & LAND SURVEYORS
808 HENRYMOUTH DRIVE, SUITE 100
TOWSON, MARYLAND 21204
(301) 828-0120

DEVELOPER
CLOVERLAND FARMS DAIRY, INC.
2200 NORTH MONROE STREET
BALTIMORE, MD. 21217
(301) 668-2727

NO.	REVISION	DATE
1	REV. ENTRANCE & PARKING	10/11/82
2	REV. CURB & GUTTER	10/11/82
3	REV. CURB & GUTTER	10/11/82
4	REV. CURB & GUTTER	10/11/82
5	REV. CURB & GUTTER	10/11/82
6	REV. CURB & GUTTER	10/11/82
7	REV. CURB & GUTTER	10/11/82
8	REV. CURB & GUTTER	10/11/82
9	REV. CURB & GUTTER	10/11/82
10	REV. CURB & GUTTER	10/11/82

DEVELOPMENT PLAN
ROYAL FARMS STORE
4015 NORTH POINT BOULEVARD
SECTION 2 LOT 5 NORTH POINT VILLAGE 52/148
15th ELECTION DISTRICT BALTIMORE COUNTY MARYLAND
SCALE: 1" = 20' DATE: OCTOBER 1982

PN7143



KEY	QUANTITY	BOTANICAL NAME COMMON NAME	SIZE	CULTIVATION	REMARKS
(+)	9	ZELKOVA SERRATA GREEN VASE GREEN VASE ZELKOVA	2-2 1/2' CA.	D & D	
(*)	4	CUPRESSODIOPSIS LEYLANDI LEYLAND CYPRRESS	5-6' HT.	D & D	SPACE 8' 0" C.
(O)	55	ILEX GLAUDIA COMPACTA COMPACT HIDEAWAY	18-24"	D & D	SPACE 4' 0" C.
(*)	40	JULIPERIS HORIZONTALIS PLUMOSA ANDERKA JUMPER	10-18"	CONTAINER	SPACE 9' 0" C.
(*)	11	JULIPERUS HORIZONTALIS WILDTOUN BLUE RUG JUMPER	10-18"	CONTAINER	SPACE 42" 0" C.

**GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.**

CIVIL ENGINEERS & LAND SURVEYORS

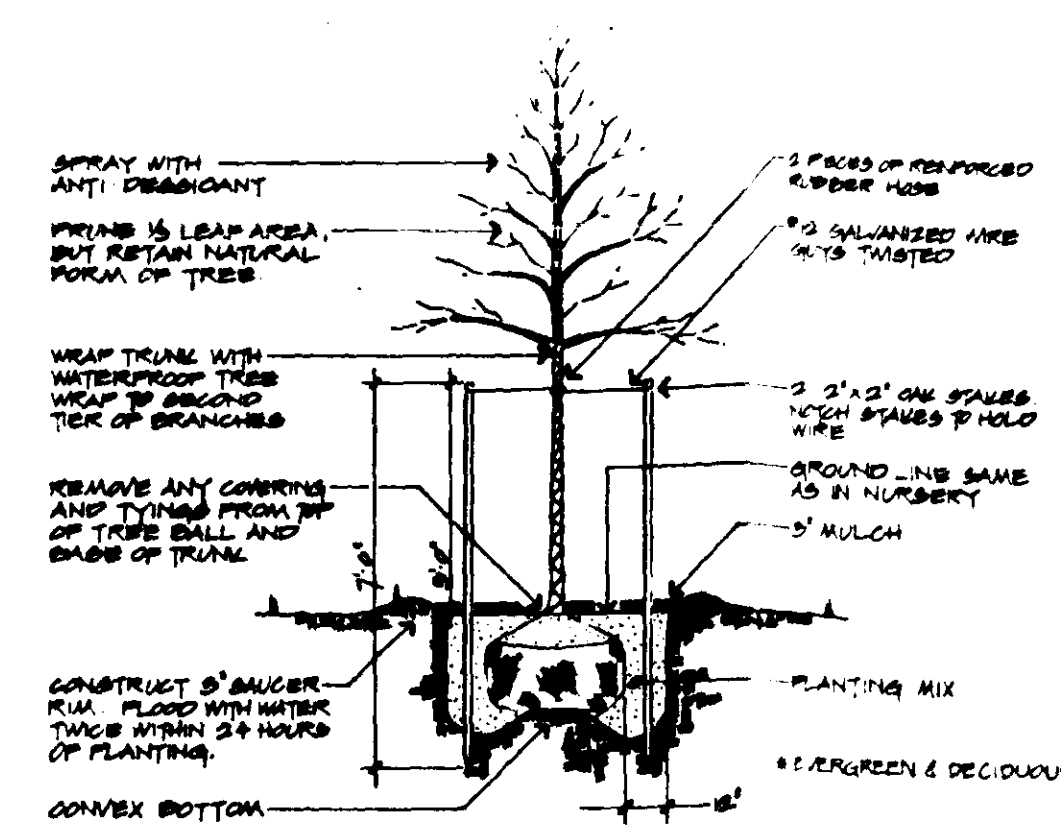
856 KENILWORTH DRIVE, SUITE 100
TOWSON, MARYLAND 21204
(301) 825-8120

HUMAN & ROHDE, INC.
Landscape Architects
110 E. Pennsylvania Avenue
Towson, Maryland 21286
(410) 825-3885

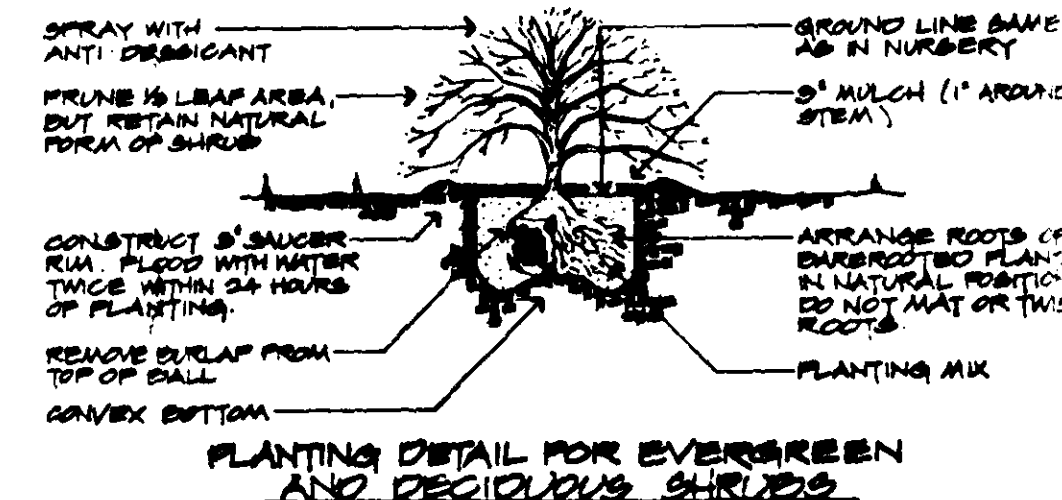
DEVELOPER
CLOVERLAND FARMS DAIRY, INC
2200 NORTH MONROE STREET
BALTIMORE, MD. 21217
(801) 669-2777

LEGEND

SITE BOUNDARY LINE
EX. CONTOUR
PROPOSED GRADE
EX. CURB & GUTTER
PROP. CURB & GUTTER
PROP. LIGHTS



ZONED
ML-CS-1



ZONING HEARING REQUESTS

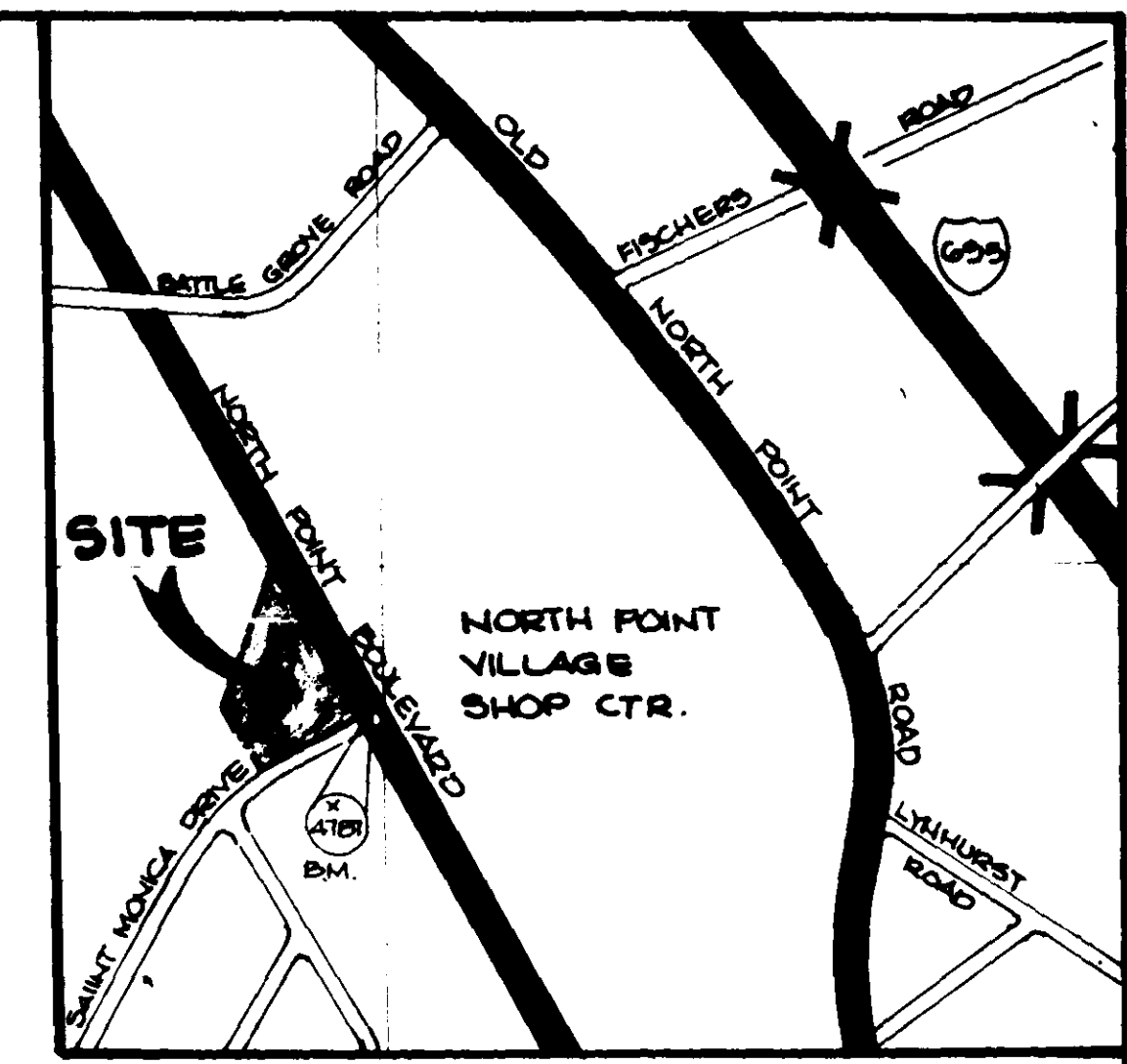
1. SPECIAL EXCEPTION UNDER SECTION 408.2B.5 TO PERMIT AN AUTOMOTIVE SERVICE STATION.
2. USE IN COMBINATION UNDER SECTION 405.4.D.6 TO PERMIT A USE IN COMBINATION WITH A FOOD STORE WITH LESS THAN 5000 SF IN RETAIL SALES AREA.
3. VARIANCE TO SECTION 408.2B.5 TO PERMIT AN ACCESS TO SAINT MONICA DRIVE (COLLECTOR STREET).
4. VARIANCE TO SECTION 405.4.A.1 TO PERMIT A TOTAL SITE AREA OF 18250 SF IN LIEU OF THE REQUIRED 26724 SF.
5. VARIANCE TO SECTION 413.2F TO PERMIT A SIGN WITH A TOTAL AREA OF 174 SF IN LIEU OF THE REQUIRED 100 SF.
6. VARIANCE TO SECTION 405.6A.2.u TO PERMIT 12 PARKING SPACES IN LIEU OF THE REQUIRED 15 SPACES.
7. VARIANCE TO SECTION 405.4.A.2.a TO PERMIT A SIDE YARD SETBACK OF 15 FEET FROM THE STREET RIGHT OF WAY AND 55 FEET FROM THE CENTER LINE IN LIEU OF THE REQUIRED 55 FEET AND 60 FEET RESPECTUALLY.
8. VARIANCE TO SECTION 405.4A.3.g TO PERMIT A CURB TANGENT LENGTH BETWEEN 15 FEET AND 20 FEET AND A PROPERTY CORNER WITH A DISTANCE OF 4 FEET BETWEEN AN ACCESS DRIVEWAY AND A PROPERTY LINE IN LIEU OF THE REQUIRED 20 FEET AND 10 FEET RESPECTUALLY.

LANDSCAPE REQUIREMENTS

1. W/1A MIN 80% MINOR TREES = $375 \text{ LF} = 40 \times 8.6 = 9 \text{ PU'S}$
 2. PARKING LOTS W/ LESS THAN 15 STAKES
EXEMPT FROM PROVIDING UTILITY LANDSCAPE
 3. CLASS 'D' SDR REQ'D BETWEEN PARKING
& PUBLIC ROW. = $345 \text{ LF} = 10 \times 23 \text{ PU'S}$
 4. NO ADJACENT RESIDENTIAL USE
 6. SCREEN DUMPSTER
- TOTAL = 02 PU'S

LANDSCAPE PROVIDED

1. 32.2 PU'S 9 MAJOR DECISIONS = 9 PU'S
4 EVERGREEN TREES = 2 PU'S
106 SHRUBS = 21.2 PU'S
- 2 DUMPSTER TO BE SCREENED W/ BOARD ON BOARD FENCE + EVERGREEN



VICINITY MAP
SCALE: 1" = 200'

BENCH MARK # X4787 ELEVATION 22.431
DESCRIPTION: GALVANIZED SPIKE IN MAC WEST SIDE
NORTH FORT BLVD & ST MONICA DRIVE

GENERAL NOTES

1. PUBLIC SEWER AND WATER ARE EXISTING, CONTRACTOR TO VERIFY LOCATION & DEPTH.
2. CONTRACTOR TO VERIFY EXISTENCE OF ANY GAS LINES ON SITE CALL MISS UTILITY (800) 257-7177.
3. LANDSCAPE PLAN TO BE PROVIDED BY LANDSCAPE ARCHITECT
4. LIGHTING TO BE ERRECTED SO AS NOT TO:
 - A. REFLECT INTO RESIDENTIAL AREA.
 - B. INTERFERE WITH TRAFFIC
 - C. EXCEED 15 FEET IN HEIGHT.
5. ASHY NEW PAVING TO BE A MINIMUM OF 3" BITUMINOUS CONCRETE SURFACE COURSE ON 1" CRUSHER RUN BASE.
6. CONTRACTOR TO PROVIDE SPRAY-ON GUTTER TOPPING ON ALL PROPOSED EXTERIOR WALKWAYS.
7. ON SITE CURB & GUTTER TO BE STANDARD BALTO CO. 1" C&G.
8. TOPD TAKEN FROM BALTO CO. POSITION SHEET 11 SE 2B.
9. DUMPFSTER TO BE SCREENED WITH WITH 6' HIGH BOARD ON BOARD FENCE WITH METAL GATE WITH SLATS.
10. STANDARD STATE TYPE A CURB ON NORTH POINT BOULEVARD
11. EXISTING SERVICE STATION WAS A NON-CONFORMING USE AND HAS BEEN ABANDONED.
12. SEE 200 SCALE ZONING MAP 5E BG.
13. NO SCHOOL OR CHURCH WITHIN 300 FEET.
14. NOT IN A CRITICAL AREA.

SITE DATA

ZONE - BL - C5-1
 AREA - 0.295 ACRES
 EXISTING USE - VACANT SERVICE STATION (TO BE REMOVED)
 PROPOSED USE - ROYAL FARM STORE AND TWO FUEL ISLANDS
 TWO DISPENSERS, CAPABLE OF SERVING
 FUEL (8) GALLONS AT ONE TIME, WITH A 12' DIA. 31' A.D.
 TOTAL AREA REQUIRED - 4 X 1000 = 6,000 SF
 (USE 15,000 SF MIN.)
 COMBINATION USES - FOOD STORE SALES
 ROYAL FARM STORE
 ADDITIONAL SQUARE FOOTAGE FACTOR - 4 X 2951 = 11,724 SF
 TOTAL AREA REQUIRED - 15,000 + 11,724 = 26,724 SF
 TOTAL AREA TRACT - 0.435 AC = 18,949 SF.
 PARKING REQUIRED - 1 SPACE FOR EVERY 200 SF OF FLOOR SPACE
 2951 = 200 = 15 SPACES
 PARKING PROVIDED - 12 SPACES INCLUDING 1 HANDICAP
 TYPICAL SPACE = 13' X 18'
 HANDICAP = 13' X 18'.

NOTES:

1. Contractor to notify Miss Utility a minimum of 72 hours prior to digging. Telephone: 1-800-257-7777
2. The Landscape Architect is to be notified 48 hours before planting begins. The location of all plant material is to be approved in the field by the Landscape Architect.
3. This plan is to be used for planting only.
4. No tree or shrub planting pits are to be left open or unattended.

DIV # 1222

DEVELOPMENT PLAN/LANDSCAPE PLAN

ROYAL FARMS STORE

4015 NORTH POINT BOULEVARD
SECTION 2 LOT 5 NORTH POINT VILLAGE 02/43
15TH ELECTION DISTRICT C-1 BALTIMORE COUNTY MARYLAND

SCALE: 1" = 20' DATE: OCTOBER 1992
FEBRUARY 1992

PN 7143